

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROGER EMERSON, MARY EMERSON,
ROBERT CAPLIN and MARTHA J.
GOODLETT, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

vs.

MUTUAL FUND SERIES TRUST,
CATALYST CAPITAL ADVISORS LLC,
NORTHERN LIGHTS DISTRIBUTORS LLC,
JERRY SZILAGYI, TOBIAS CALDWELL,
TIBERIU WEISZ, BERT PARISER, and
ERIK NAVILOFF,

Defendants.

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Civil Action No. 17-cv-02565-ADS-GRB

**LEAD PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF PROPOSED CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Lead Plaintiffs Eugene Almendinger, Jeffrey Berkowitz, Debra Folk, Earle Folk, Maryann Lovelidge, and Tom Lovelidge (collectively, “Lead Plaintiffs”), on behalf of themselves and all other members of the proposed Settlement Class, through court-approved Co-Lead Counsel Labaton Sucharow LLP and Robbins Geller Rudman & Dowd LLP, hereby move this Court, for an Order, pursuant to Rule 23(a), (b)(3), and (e) of the Federal Rules of Civil Procedure: (i) preliminarily approving the proposed Settlement; (ii) preliminarily certifying the Settlement Class and appointing Lead Plaintiffs as class representatives and Co-Lead Counsel as class counsel, for purposes of the Settlement only; (iii) approving the form and content of the Notice of Pendency of Class Action, Proposed Class Action Settlement, and Motion for Attorneys’ Fees and Expenses (“Notice”), Proof of Claim and Release, Summary Notice, and Postcard Notice; (iv) finding that the procedures for distribution and publication of the Notice, Summary Notice, and Postcard Notice constitute the best notice practicable under the circumstances and comply with due process, Rule 23, and the Private Securities Litigation Reform Act of 1995 (“PSLRA”); (v) setting a date and time for the Settlement Hearing, at which the Court will consider final approval of the Settlement, the Plan of Allocation, and Co-Lead Counsel’s application for attorneys’ fees and expenses, including reimbursement of costs and expenses to Lead Plaintiffs pursuant to the PSLRA; (vi) appointing A.B. Data, Ltd. as the claims administrator to administer the notice and claims process; and (vii) granting such other and further relief as the Court may deem fair and proper. Defendants do not oppose the relief requested in this motion.

This motion is based on the accompanying Memorandum of Law in Support of Lead Plaintiffs’ Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement

and the Declaration of Michael H. Rogers, dated March 10, 2020, with annexed exhibits, filed herewith.

A proposed Order Granting Preliminary Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date for Hearing on Final Approval of Settlement, which was negotiated by the Parties to the Settlement, is also submitted herewith.

DATED: March 10, 2020

Respectfully submitted,

LABATON SUCHAROW LLP

/s/ Michael H. Rogers

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Co-Lead Counsel for the Settlement Class

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered ECF participants.

/s/ Michael H. Rogers
Michael H. Rogers